

# Exhibit J

NYU	(1) TPAH15 & (1) TPAH18
330 EAST 42ND STREET	(1) FC100-485-CF & (1) PPD-105-HX
CARLYLE SPA	(1) 30AOLD30-SPC
SAC CAPITAL MANAGEMENT	(1) 30AOLD30-S
RIVER AIR	(1) FC100-230-CF, (1) PPD-50
NEW YORK UNIVERSITY	(1) 37AOLM45-S, (1) PPD-100
4 EAST 75 <sup>TH</sup> STREET	(1) 30AOLM48-S
MARYKNOLL FATHERS	(1) 30A1SD280-SCF
CARLYLE HOTEL – CAFÉ RENOVATION STORE	(1) FC100-173-CF, (1) FC36-352-SP
GSK DATA CENTER	(MULTIPLE) FC96'S
VALLEY NATIONAL BANK - 924 B'WAY	(2) FC100-173-CF
SHEFFIELD APARTMENTS	(1) 20AOLD5, (8) 20AOLS13
171 MACDOUGAL STREET	(1) TPAH-07
122 GREENWICH AVENUE	(3) 34WOLM60
PRESTIGE AIR TBD	(1) FC48-557
AMERIPATH	TPAH-7-20-265-2
TARRENT APPAREL CORP	30AOLM50-SFC
THE LIMITED	(6) FC12-145-SP, (1) PPD-190
HILLIER RTU REPLACEMENT	(2) TPAH-40, 20AOLM36, (1) TPAH-50, 20AOLM52
HEWLETT PACKARD BRANCHBURG	(3) FC96-1195-SCP
33 WHITEHALL STREET	FC48-502-SP
SOROS-32ND FL	FC305S
GHP	30WOSM240
1500 BROADWAY	TPAH-44-67-CF
EQUINOX	FC96-859-SCQ
NYU-19 W 42ND	FC36-DP, FC48-DP
KJ / RAMAZ	TPAH-58, 30AOLM90-SPF

1301 6TH AVENUE - LOBBY	PPD-300
OTB	FC96-994-SCQP
681 5TH AVENUE	(4) FC100-802-CF
SJP PROPERTIES	TPAH08-20AOLD18
LEGG MASON	30AOLM120-SPFC, 30AOLM120-SFC
43 <sup>RD</sup> ST BUILDING	30WOLM72
LUDLOW / ORCHIRD STREET	(4) FC100-658-SCF
AMERIPATH	TPAH-7-20-265-2
NY PRESBYTERIAN HOSPITAL	30A1SD120-SPCF
KINGS COUNTY HOSPITAL	(3) 30AOSD160-SFCCF
99 <sup>TH</sup> ST CONDO	(2) TPAH-28-30-500, TPAH-11-18-350
501 7 <sup>TH</sup> AVENUE	30AOLM60-SFC
HUDSON NEWS	(2) FC96-1612-SCQ, (2) FC96-1314-SCQ
31 <sup>ST</sup> AVENUE CHILLERS	30AOLM150-SCP, 30AOLM150-SC
107 WAVERLY	30AOLM15-SPCFQ
REJAS HOTEL	TPAH-15
57 <sup>TH</sup> STREET OVERBUILD	30A1SM340-SFCCF
80 DEKALB	TPAH-15, TPAH-12, 20AOLD30, 20AOLD26
605 WEST 42 <sup>ND</sup> ST	(2) 30AOLM180-SFQ & (1) FC36-392-SP
MONACO	(2) 37AOLM45-SQPFC
NASSAU COUNTY POLICE & FIRE COMMISSION	TPAH38
828 FIFTH AVENUE	30AOLD30-SFC
MSKCC	30AOLM330-SQPFC
FORBES.COM	30AOLD30-SFC
HUNTER COLLEGE	30AOLM45-SFC
NYU	30A1SM280, TPAH-58-20AOCD80
VERIZON	30AOLM135-SFC
SALVATION ARMY	TPAH-18-30-650

MLB	FC100-266-CF
406-408 45 <sup>TH</sup> STREET	30AOLM60-SPF
PETER COOPER	(3) 30AOLD28-SFCCF
40 WALL STREET	(2) 30AOLM60-SCF, PPD-260
RELATED COMPANIES	30AOLM150-SPFCCF
200 WEST 72 <sup>ND</sup> STREET	(3) 30AOLM60-SFC, 30AOLM180-SFC
SETON HALL	(2) TPAH-32-70
ASTORIA	30AOLM45-SF
WCS-CGC / BRONX ZOO	FC36-370-SPC
MASTERCARD BOARD ROOM	20AOLD20
AMERICAN AIRLINES	TPAH22
RESIDENCE OF THE SECRETARY TO THE UN	33AOLD30
LIBERTY TOWERS	FC100-375-SCF, FC36-442-SP
KINGS COUNTY HOSPITAL	30AOLM104-SPF, FC96-1350-SPC
KKR FINANCIAL	20AOLM70-SCF
CITIBANK	(2) 34WOLM52-S
METHANY PHARMACY	30AOLD15, PPD-29
BRISTOL MYERS SQUIBB	34WOCM75, 34WOCD40, 34WOCD90
CHARTER SCHOOL	30AISD140-PPD
COUNT BASIC	(2) 20AOCD80, (1) 20AOLD18, (4) 20AOLD20, (1) 20AOLD30, (2) 20SOLD15, (2) 20AOLD10, (1) 20AOCD60, (1) 20AOLS8 & (1) 20AOLS3
957-961 1 <sup>ST</sup> AVENUE	(1) 30AOLD30, (1) TPAH-12
NYU	(1) 37AOLM60
ALLSTON & BIRD	FC96-2287 / 37AOLM150
57 IRVING PLACE	30AOLM165
CBS RADIO	30AOLM90
CARNEGIE 57	MULTIPLIER FC-100 DRY COOLERS
CHRIST CHURCH	(1) FC100-1351-SCQP

CON EDISON REPLACEMENT	(2) FC96-2334-S & (2) PPD471
GHP	(1) 30AOISM280
LOCATION #5	(1) 2A0LM45
AKF OFFICES	(1) FC100-485-CF & (1) PPD-105-HX
CHELSEA VETERINARY HOSPITAL	(1) FC48-502-SP
GRACIOUS HOMES	(1) TPAH-12 & (1) 20AOLM15
FLUSHING TOWN CENTER	(4) TPAH-7, (1) TPAH-38, (2) TPAH-28, (2) TPAH-5
	(1) TPAH-32, (1) TPAH-58, (3) TPAH-18
FLUSHING TOWN CENTER	(2) TPAH-8, (1) TPAH-24, (1) TPAH-7, (1) TPAH-44
	(1) TPAH-28
HBK	(1) 30AOLDM-SPT
THE EDGE	(2) FC96-753-SCP & (2) FC96-1505-SCP
CHENFELD RESIDENCE	(1) ESTATE-EWC-AC1-FD18-H2
LIBERTY TOWERS-COOK ST	(1) FC36-DP
NYU-PHASE II	(1) 30AOLM52-SPTFCQ407
BDG-EMPIRE STATE BUILDING	(1) 30AOLM90-SPFC
122 GREENWICH AVENUE	(1) 34WOLM60

# Exhibit K

LARRY HUDSON <LARRYH@rae-corp.com>

Thu, Jan 18, 2007 at 4:55 PM

To: JIM TEMPLE <jjtemple@gmail.com>

Cc: SAM JONES PDA <SAM.JONES@rae-corp.com>, MICHAEL MCKAY <MICHAELM@rae-corp.com>, ERIC SWANK <ERICS@rae-corp.com>, JIM WILSON <JIMW@rae-corp.com>, ADAM MEYER <ADAMM@rae-corp.com>, MIKE CONTI <mikec@rae-corp.com>

Jim,

I'm scheduling Duane Conditt to fly out to Islip next Monday AM and drive into the city. He will be there for the installation of the heaters. We will also need Harbour there for tools etc. I guessed that would be Derek since he removed the heaters. Once all of the details are lined out I'll send you a formal itinerary.

In reference to the hoods I see Mike is sending a parts order through on these. My problem is that no one will take time to look for these in the field if they don't locate them quickly, they (and yourself) automatically jump to the conclusion that we made the mistake. We are getting the name of the person who received the hoods on site and signed for them. We are also confirming the number of hoods. If we do confirm all was shipped correctly either the customer or DNT will be paying for the additional hoods including the freight to get them there.

I will also be sending you information from the National Gas Code Book and Heatco regarding the venting of the heaters. It is our contention that this was done correctly at our factory. The fact that the units were mounted too close to walls in the field is a field issue, not ours.

As soon as I have Duane's trip info. I'll send you a copy via email.

Regards,

Larry

---

**From:** JIM TEMPLE [mailto:[jjtemple@gmail.com](mailto:jjtemple@gmail.com)]

**Sent:** Thursday, January 18, 2007 10:39 AM

**To:** MICHAEL MCKAY

**Cc:** SAM JONES PDA; LARRY HUDSON; CHUCK RUSSELL; WES MORGAN; CLIFF MINES; JIM WILSON; JAY KINDLE; JEREMY COLVARD

**Subject:** Re: hoods

Case 1:07-cv-08661-LJS Document 14-5 Filed 04/01/2008 Page 8 of 13  
I don't have time to fight for months over a few missing hoods. I don't know where all these quotes are coming from but I have repeated myself over and over. I sent pictures and drawings. If you want to get paid for the missing hoods, then prove they were shipped. Packing ships with 28 hoods proves that you shipped 28 hoods. How many hoods were required for RTU-3 thru RTU-11? Telling the customer to look harder is not an option. Either you didn't send them & owe them or the customer lost them & he has to pay for them.

instead of waisting time=money argueing over this you could have shipped the missing/lost hoods with the hoods that were just built because they were not manufactured incorretly.

we are starting to look really bad on this job:

1. heaters not vented properly
2. hoods oversized and poorly constructed
3. hoods that don't fit and clearly were never attached in testing
4. dangerous and leaky doors on the supply side of the fan, positive pressure doors should open in
5. no conduit connecting the control panels for field control wiring, we were backcharge from control contractor
6. heater section fell apart due to poor design of support system
7. fixed sheaves on the blowers (even the small ones), very odd as is doesn't allow for balancing
8. i'm out o fthe office and working form memory, there is more.

who ever is paying attension, please help as this project is going down the toilet.

jim temple

On 1/18/07, **MICHAEL MCKAY** <[MICHAELM@rae-corp.com](mailto:MICHAELM@rae-corp.com)> wrote:

Jim

<http://mail.google.com/mail/?ui=2&ik=74c3584fdd&view=pt&q=ethical%20drive&search...> 3/28/2008



Case 1:07-cv-08661-LJS Document 14-5 Filed 04/01/2008 Page 9 of 13

however they were labeled. Please forward me the pictures of the hoods on the packing slip and I will put together a parts order for any that are missing. We must account for the hoods on the shipping list before we can go forward. As for the hoods not being on the punch list, no I did not think we were getting away with something but as to quote you, "if it is not written it did not happen". The idea about the ea hoods was that you identified those hoods particularly and blanketed the statement about all hoods missing and I informed you that they have to be in the holding yard and someone needed to look for them. The only hoods in question after that was the ea hoods. Please forwarded me pictures of the hoods on the packing slip and I will go from there.

[Quoted text hidden]

# Exhibit L

- (1) CHARLES KOHN H.H. 631-351-2466
- (2) John Aillet H.H. 631-1111
- (3) CRAIG KOSTELLO H.H. 631-351-2270
- (4) RICHARD MEISSNER H.H. 631-351-2270
- (5) Tim LOMAX TRANK 718-269-3650
- (6) GLENN P. BOND MATRIX MECH CORP. 718-707-0900
- (7) Anthony Lovetro Matrix mech. C-718-753-2596
- (8) MING QUACK NS-LIT. HEXAL SYSTEM 718-470-8765
- (9) JOHN LOBRIBLIO BARR + BARR 631-760-2102
- (10) RONALD REECKLE BARR + BARR, INC 917-418-7078
- (11) Chuck Russell RAE-COIF 918 825 7222
- (12) Kendall Kihegya RAE-Corp (918) 825 7222
- (13) Jim Temple DNT (612) 682-0797
- (14) Son LEE CA 212 615 3759

① JOHN SIFOLECK, EMAIL OF 4/15/04

- a) CHILLER #1 NOT OPERATIONAL - FLOW SWITCH
- b) GAS?
- c) CHILLER #2 LEAKS
- d) CHILLER #2 COMPRESSOR #3 TRIPS
- e) CHILLER #2 TOGGLE SWITCH COVER MISSING
- f) PIPE COVERING FOR HEAT TRACE NOT COMPLETE

② DNT EMAIL 3/4/05

- a) LOW AMBIENT SPRAYS PROVE TO WORK.
- b) CONTROLS FOR LOW AMBIENT TIED INTO BMS.
- c) CONTROLS FOR BLOWER MOTORS TIED INTO BMS.

③ MATRIX LTR 1/31/05 RE EWO165

- a) REPAIRS TO CHILLERS
- b) PARAMETERS W/INTER OPNS -
- c) DNT Submitted -
  - 1) UNLOADING COMPRESSORS
  - 2) Auto Sump Drain

④ CONDUIT EMT -

⑤ WARRANTY ISSUES -

# Exhibit M